

**REISSUE APPLICATION COMBINATION DECLARATION &
POWER OF ATTORNEY**ATTORNEY DOCKET No.:
100717- 522 / Bayer 8708.5
Reissue

I/We hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my name,

I/We believe I am/we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 4,849,432, granted July 18, 1989 and for which a reissue patent is sought on the invention entitled HETEROCYCLIC COMPOUNDS

the specification of which

(check one) ☐ Is being filed herewith, or☒ was filed on February 4, 2002 as reissue application serial number 10/067,189 and

I hereby reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

SHO 61-48629
(Number)Japan
(Country)07 March 1986
(Day/Month/Yr. Filed)☒ yes ☐ no

(Number)

(Country)

(Day/Month/Yr. Filed)

☐ yes ☐ no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

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- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☒ by reason of other errors as described below.

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

Second, the USPTO has determined that patent claims contain multiple independent and distinct inventions, and has required restriction.

The present reissue application corrects these two errors as follows: The patent claims have been limited to pyrrolidine compounds by amending original patent claim 1 to cancel values of X other than CH-R³, and canceling original patent claims 2-6 and 9.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

POWER OF ATTORNEY: As a named inventor, I hereby appoint

Practitioners Associated with the
Customer Number:

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as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

DIRECT TELEPHONE CALLS TO:
Kurt G. Briscoe

(212) 808-0700

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FULL NAME OF SOLE OR FIRST INVENTOR KOZO SHIOKAWA	INVENTOR'S SIGNATURE	DATE
RESIDENCE Kanagawa-ken, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SECOND JOINT INVENTOR, IF ANY SHINICHI TSUBOI	INVENTOR'S SIGNATURE <i>Shin-ichi Tsuboi</i>	DATE May 08, 05
RESIDENCE Tokyo, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF THIRD JOINT INVENTOR, IF ANY SHINZO KAGABU	INVENTOR'S SIGNATURE	DATE
RESIDENCE Gifu-ken, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FOURTH JOINT INVENTOR, IF ANY SHOKO SASAKI	INVENTOR'S SIGNATURE	DATE
RESIDENCE Tokyo, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY KOICHI MORIYA	INVENTOR'S SIGNATURE <i>Koichi Moriya</i>	DATE 28 Apr. 2005
RESIDENCE Tokyo, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY YUMI HATORI	INVENTOR'S SIGNATURE <i>Yumi Hatori</i>	DATE 28 Apr. 2005
RESIDENCE Tokyo, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
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FULL NAME OF THIRD JOINT INVENTOR, IF ANY SHINZO KAGABU		INVENTOR'S SIGNATURE <i>Shinzo Kagabu</i>	DATE May 2, 2005
RESIDENCE Gifu-ken, Japan		CITIZENSHIP Japanese	
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